

**Appl. No.** : 10/618,502  
**Filed** : July 10, 2003

### **REMARKS**

The specification has been amended to address the suggestions provided by the Examiner. Regarding the title of the application, the Examiner requested a title change to reflect the actual plant. Accordingly, by this amendment, the title of the invention has been changed to GRAPEVINE PLANT NAMED 'SUGRATWENTYSIX.'

### **Response to the Objections to the Disclosure**

The Examiner objected to the disclosure under 35 U.S.C. 112, first and second paragraphs, as not being supported by a clear and complete botanical description of the plant for reasons set forth in the Office Action. The Office Action listed the objections to the disclosure separately in paragraphs A through K. The objections corresponding to paragraphs A – C, E, and K have been fully addressed by the amendments to the specification, and are self-evident in the marked-up copy showing the amendments.

Regarding paragraphs D and F-J, the data requested by the Examiner are not presently available. The requested information for paragraphs G, H, I, and J will not be available until the spring of 2004. The information required for paragraphs D and F will not be available until the summer of 2004. The Applicants will endeavor to submit the requested information as soon as it is available. The Applicants assert, however, that the information provided in the specification as originally filed, along with the additional information supplied herein, should be sufficient to meet the requirements of patentability. Accordingly, the Applicants request the withdrawal of the objections listed in paragraphs D and F-J.

### **CONCLUSION**

This Amendment addresses each issue raised in the Office Action, and Applicant respectfully submits that the application is now in condition for allowance, which action is earnestly solicited. A marked-up version of the specification as now amended, with underlines to indicate additions and strikethroughs to indicate deletions, is enclosed herein. Additionally, a

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clean copy of the specification, as now amended, is enclosed. If there remain any obstacles to prompt allowance, the Examiner is invited to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 22, 2004

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**GRAPEVINE PLANT NAMED ‘SUGRATWENTYSIX’**

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LATIN NAME OF THE GENUS AND SPECIES CLAIMED

*Vitis vinifera*

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VARIETY DENOMINATION

‘SUGRATWENTYSIX’

**BACKGROUND AND SUMMARY OF THE INVENTION**

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This invention relates to the discovery and asexual propagation of a new variety of grapevine as herein described and illustrated. The new variety is characterized by producing medium sized, elliptic-shaped grapes with a green-yellow skin color. The grapes are firm and crisp, having a high sugar content and excellent eating quality.

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The new variety was first hybridized by David W. Cain and Michael J. Striem in Wasco, Kern County, California, the variety being originated by controlled hybridization and subsequent ovule culture of seed traces and embryo rescue procedures. The seed parent is ‘Sun World Seedling 86005-098-073’ (unpatented) and the pollen parent is ‘Sun World Seedling 85022-079-636’(unpatented). The parent varieties were first crossed in May 1990, with the date of sowing being August 1990, and the date of first flowering being August 1993. The new ‘Sugratwentysix’ variety was first asexually propagated by David W. Cain in January, 1994, in Wasco, Kern County, California, using hardwood cuttings.

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The new variety ‘Sugratwentysix’ is a late mid-season ripening green-yellowish seedless grape with an outstanding ability to hang on the vine. The new variety ripens about a month after the ‘Thompson Seedless’ grape variety, when grown in the San Joaquin Valley, California. The new variety is characterized by producing grapes that



DETAILED BOTANICAL DESCRIPTION OF THE INVENTION

Throughout this specification, color names beginning with a small letter signify that the name of that color, as used in common speech, is aptly descriptive. Color names beginning with a capital letter designate values based upon the R.H.S. Colour Chart, published by The Royal Horticultural Society, London, England.

Many of the description values in this specification are based on and conform to those set forth by the International Board for Plant Genetic Resources Institute Grape Descriptors (*Vitis* spp.) of 1983 and/or 1997 which was developed in collaboration with the Office International de la Vigne et du Vin (OIV) and the International Union for the Protection of New Varieties of Plants (UPOV).

The descriptive matter which follows pertains to eight year old 'Sugratwentysix' plants grown in the vicinity of Wasco, Kern County, California, during 2002, and is believed to apply to plants of the variety grown under similar conditions of soil and climate elsewhere.

**VINE**

**General:**

~~*Size: medium.*~~

*Height: approximately 225 cm.*

*Spread: approximately 450 cm.*

*Vigor: vigorous.*

*Density of foliage: medium.*

*Productivity: medium productive.*

*Root stock: own roots.*

**Trunk:**

*Shape: slender.*

*Diameter at approximately 25 cm from soil line: approximately 141 mm.*

*Straps: continuous.*

*Surface texture: medium.*

*Inner bark color: about Greyed-orange 177C.*

**SHOOTS**

**Young shoot:**

*Form of tip:* wide open.

*Distribution of anthocyanin coloration of tip:* piping (striped).

5 *Intensity of anthocyanin coloration of tip:* weak.

*Density of prostrate hairs on tip:* very sparse.

*Density of erect hairs on tip:* very sparse.

**Woody Shoot (Mature Canes):**

*Shape:* stocky.

10 *Internode length:* long – approximately 39.61 mm.

*Width at node:* approximately 17.32 mm.

*Cross section:* circular.

*Surface:* smooth.

*Main color:* about Greyed-orange 166C.

15 *Lenticels:* absent.

*Density of erect hairs on nodes:* none or very sparse.

*Density of erect hairs on internodes:* none or very sparse.

*Growth of axillary shoots:* strong – approximately 30.0 cm.

**Flowering shoot:**

20 *Vigor during flowering:* medium.

*Attitude during flowering on shoots which are not tied:* erect.

*Color of dorsal side of internodes:* about Yellow-green 144B with stripes of  
about Greyed-purple 183B.

25 *Color of ventral side of internodes:* about Yellow-green 144B with stripes of  
about Greyed-purple 183B.

*Color of dorsal side of nodes:* about Yellow-green 144A.

*Color of ventral side of nodes:* about Yellow-green 144A.

*Density of erect hairs on nodes:* absent.

*Erect hairs on internode:* absent.

30 *Density of prostrate hairs on nodes:* absent.

*Density of prostrate hairs on internodes:* absent.

*Anthocyanin coloration of buds:* absent.

**Tendrils:**

*Distribution on the shoot at full flowering:* discontinuous.

*Thickness:* medium.

5 *Color:* about Yellow-green 145A.

*Form:* trifurcated.

*Number of consecutive tendrils:* up to two.

*Length of tendril:* medium – approximately 18 cm.

**LEAVES**

10 **Young Leaves:**

*Color of upper surface of first 4 distal unfolded leaves:* green.

*Average intensity of anthocyanin coloration of six distal leaves prior to  
flowering:* absent or very weak.

15 *Density of prostrate hairs between veins at lower surface of 4th distal unfolded  
leaf:* absent.

*Density of erect hairs between veins at lower surface of 4th distal unfolded leaf:*  
absent.

*Density of prostrate hairs on veins at lower surface of 4th distal unfolded leaf:*  
absent.

20 *Density of erect hairs on veins at lower surface of 4th distal unfolded leaf:*  
absent.

**Mature leaves:**

*Average length:* approximately 175 mm.

*Average width:* approximately 183 mm.

25 *Size of blade:* very large.

*Shape of blade:* wedge-shaped.

*Number of lobes:* three.

*Anthocyanin coloration of main veins on the upper side of the blade:* absent.

*Mature leaf profile:* revolute.

30 *Blistering surface of blade upper surface:* absent.

*Leaf blade tip:* in the plane of the leaf.

*Undulation of margin:* slight.

*Apex:* cuspidate.

*Thickness:* medium.

*Undulation of blade between main and lateral veins:* absent.

5 *Shape of teeth:* mixture of both sides straight and both sides convex.

*Length of teeth:* medium.

*Ratio length/width of teeth:* medium.

*General shape of petiole sinus:* half open.

*Tooth at petiole sinus:* present.

10 *Petiole sinus limited by veins:* absent.

*Shape of upper lateral sinus:* open.

*Depth of upper lateral sinus:* shallow.

*Density of prostrate hairs between veins on lower surface of blade:* absent.

*Density of erect hairs between veins on lower surface of blade:* absent.

15 *Density of prostrate hairs on main veins on lower surface of blade:* absent.

*Density of erect hairs on main veins on lower surface of blade:* absent.

*Density of prostrate hairs on main veins on upper surface of blade:* absent.

*Autumn coloration of leaves:* about Yellow-green 153D.

**Upper Surface:**

20 *Color:* about Yellow-green 147A.

*Surface texture:* smooth.

*Surface appearance:* semi-glossy.

*Goffering of blade:* present.

**Lower Surface:**

25 *Color:* about Yellow-green 146B.

*Anthocyanin coloration of main veins on lower leaf surface:* absent.

*Glossiness:* weak.

*Pubescence:* absent.

*Surface texture:* smooth.

30 *Surface appearance:* semi-glossy.

**Petiole:**

*Length of petiole:* long – approximately 9.63 cm.

*Length of petiole compared to middle vein:* slightly shorter.

*Density of prostrate hairs on petiole:* absent.

5 *Density of erect hairs on petiole:* absent.

*Shape of base of petiole sinus:* U-shaped.

**Buds:**

*Shape:* slightly pointed.

*Size:* medium – approximately 4.0 mm by 6.0 mm.

10 *Position:* slightly held out ( 45° angle).

*Cane bud fruitfulness:* medium and distal fruitful.

*Time of bud burst:* early.

**FLOWERS**

**General:**

15 *Flower sex:* hermaphrodite.

*Length of first inflorescence:* medium.

*Position of first flowering node:* fourth node.

*Number of inflorescences per shoot:* approximately 1.1 to 2.

*Date of full bloom:* May 8, 2002.

20 *Time of bloom:* early.

*Size (diameter of fully open flower):* medium.

**FRUIT**

**General:**

25 *Ripening period:* medium – about 35 days ahead of Thompson Seedless.

*Use:* fresh market.

*Keeping quality:* medium.

~~*Resistance:* *Insects:* medium.~~

~~*Diseases:* medium.~~

30 *Disease resistance:* Neither resistance nor susceptibility to diseases and pests  
has been observed in this cultivar.

*Shipping quality:* medium.

*Date of first harvest:* September 7, 2002.

*Solids-sugar:* medium— approximately 18%.

*Refractometer test:* approximately 20.0.

5      *Acid:* low – approximately 3.14 g/liter tartaric acid.

*Juice pH:* approximately 4.08.

**Cluster:**

*Bunch size (peduncle excluded):* medium.

*Bunch length (peduncle excluded):* intermediate – approximately 21.5 cm.

10      *Bunch width:* approximately 15.0 cm.

*Bunch weight:* medium – approximately 635.8 average weight per bunch.

*Bunch density:* loose.

*Number of berries:* approximately 163.

*Form:* conical.

15      **Peduncle:**

*Length of peduncle:* approximately 6.28 cm.

*Lignification of peduncle:* weak.

*Color:* about Yellow-green 145B.

**Berry:**

20      *Size:* medium.

*Uniformity of size:* uniform.

*Berry weight:* high – approximately 3.98 g.

*Shape:* elliptic - ovate.

*Presence of seeds:* rudimentary – approximately 4.7 mg.

25      *Cross section:* circular.

*Dimensions:* approximately 241 mm longitudinal axis by approximately 179 mm  
horizontal axis.

*Skin color (without bloom):* about Greyed-yellow 160A.

*Coloration of flesh:* transparent greenish.

30      *Juiciness of flesh:* slightly juicy.

*Berry firmness:* firm.

*Particular flavor:* none.

*Bloom (cuticular wax):* very weak.

*Pedicel length:* intermediate – approximately 6.98 cm.

*Berry separation from pedicel:* medium.

5      *Visibility of hilum:* slightly clear.

**Skin:**

*Thickness:* thick.

*Texture:* medium.

*Reticulation:* absent.

10      *Roughness:* absent.

*Tenacity:* free.

WHAT IS CLAIMED IS:

1. A new and distinct variety of grapevine plant named- ‘Sugratwentysix’ as herein illustrated and described.

SUBSTITUTE SPECIFICATION – MARKED-UP COPY  
**GRAPEVINE PLANT NAMED ‘SUGRATWENTYSIX’**

ABSTRACT OF THE DISCLOSURE

5       A new and distinct grapevine variety characterized by producing seedless grapes  
that are firm and crisp, naturally medium size, green-yellow skin color, elliptic berry  
shape, high sugar content and excellent eating quality. The new variety  
‘Sugratwentysix’ is a late mid-season ripening grape with an outstanding ability to hang  
on the vine.

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